

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO

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ALBERTO GARRIDO-MAURIN,

Petitioner,

vs.

ICE/DHS,

Respondent.

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Case No. 4:17-cv-2515

OPINION & ORDER  
[Resolving Docs. [1](#), [15](#)]

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

In November 2017, Petitioner Alberto Garrido-Maurin petitioned for a writ of habeas corpus under [28 U.S.C. § 2241](#).<sup>1</sup> He asked this Court to command Immigrations and Customs Enforcement (ICE) to release him from custody because he cannot be deported.<sup>2</sup> In February 2018, Garrido-Maurin was released from custody.<sup>3</sup> Accordingly, the government moved to dismiss his petition as moot.<sup>4</sup>

The Court referred the petition to a Magistrate Judge, who recommended that the government's motion be granted.<sup>5</sup> The Court has been unable to serve the Magistrate Judge's Report and Recommendation (R&R) on Petitioner Garrido-Maurin, because his mail has been returned to the Court.<sup>6</sup> The Court will note, however, that the returned mailings it has received have been marked "Inmate Paroled or Released" and that it appears that the government served its motion to dismiss on Garrido-Maurin at what appears to be a non-prison address in May 2018.<sup>7</sup>

As the Court has received no change of address notification from Petitioner Garrido-Maurin or any response to the government's motion, the Court can see no reason to delay consideration of the R&R any further.

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<sup>1</sup> Doc. [1](#).

<sup>2</sup> *See generally id.*

<sup>3</sup> Doc. [15-1](#) at 2.

<sup>4</sup> *See generally id.*

<sup>5</sup> Doc. [16](#).

<sup>6</sup> Doc. [14](#); Doc. [17](#).

<sup>7</sup> Doc. [14](#); Doc. [17](#); Doc. [15](#).

A habeas petitioner's release from custody generally moots his petition requesting only immediate release.<sup>8</sup> Mootness doctrine is subject to some exceptions,<sup>9</sup> but Petitioner Garrido-Maurin has not demonstrated they are applicable here.

As a result, the Court **ADOPTS** the Magistrate Judge's R&R and **DISMISSES AS MOOT** Garrido-Maurin's § 2241 petition for habeas relief.

IT IS SO ORDERED.

Dated: August 13, 2018

s/ James S. Gwin  
JAMES S. GWIN  
UNITED STATES DISTRICT JUDGE

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<sup>8</sup> See *Townsend v. Vasbinder*, 365 F. App'x 657, 660 (6th Cir. 2010). While Petitioner Garrido-Maurin has also asked this Court to preclude the government from transferring him from custody during the pendency of these proceedings, Doc. [1](#) at 16, that request is obviously mooted by the entry of this Order (and the accompanying judgment) terminating this case. Likewise, to the extent that Garrido-Maurin seeks a hearing to determine whether he should be released, see Doc. [8](#) at 7, he release moots that request.

<sup>9</sup> See, e.g. *Lane v. Williams*, 455 U.S. 624, 633–34 (1982).